

**FEDERAL PUBLIC DEFENDER**  
**Western District of Washington**

September 9, 2015

Kate Vaughan  
Assistant United States Attorney  
700 Stewart Street - Suite 5220  
Seattle, WA 98101-1271

**Re: *United States v. Michaud*; CR15-5351**

Dear Ms. Vaughan:

We are requesting additional discovery regarding the “network investigative technique” (NIT) referenced in the February 20, 2015 warrant that appears at bates 135-168 of the materials that have previously been disclosed by your office. This discovery should include, but not necessarily be limited to, the following:

- The actual name of the NIT software or program;
- The name of the agency or company that developed the program;
- A detailed description of the “additional computer instructions” that are downloaded onto target computers and a copy of the NIT’s programming code (*see, e.g.*, bates 161);
- A detailed description of the means by which these instructions are introduced to target computers;
- A complete copy of all information and data that was received by the Government in connection with Mr. Michaud’s case by means of the NIT.

In addition, we will need mirror image copies of all digital media storage devices seized from Mr. Michaud for review by a defense expert. Please let me know if you need us to supply a blank hard drive for copying the data, and we can discuss the details of how to ensure that the data remains secure during the analysis and that any contraband data is either returned to the Government or destroyed at the conclusion of the case.

Finally, please identify any federal warrant applications that have sought permission to use the NIT or similar software or programs and were denied by the judge, in any district, to whom an application was presented.

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I expect that we will have additional discovery requests regarding the NIT once we have received this initial information and had an opportunity to review it. Meanwhile, thank you for your cooperation.

Sincerely,

*s/ Colin Fieman*  
Colin Fieman  
Assistant Federal Public Defender

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